

## Message Text

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64

ACTION NEA-10

INFO OCT-01 IO-11 ISO-00 OMB-01 SAM-01 SAB-01 CIAE-00

DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-02

PRS-01 SP-02 SS-15 USIA-15 /081 W

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R 021011Z APR 76

FM AMCONSUL JERUSALEM

TO SECSTATE WASHDC 7845

INFO AMEMBASSY AMMAN

AMEMBASSY CAIRO

AMEMBASSY JIDDA

AMEMBASSY TEL AVIV

USMISSION USUN NY

UNCLAS JERUSALEM 0452

E.O. 11652: N/A

TAGS: PBOR, PINS, IS, JO

SUBJ: HEARING OF "TEMPLE MOUNT APPEAL" BEGINS

REF: JERUSALEM 389

1. DISTRICT COURT IN JERUSALEM BEGAN APRIL 1 HEARING STATE'S APPEAL AGAINST CONTROVERSIAL JAN 28 DECISION OF MAGISTRATE RUTH OR INVOLVING QUESTION OF JEWISH WORSHIP ON TEMPLE MOUNT (HARAM ESH-SHARIF). JUDGE OR HAD ACQUITTED EIGHT TEENAGE MEMBERS OF BETAR (HERUT PARTY YOUTH GROUP) ACCUSED OF DISTURBING PEACE IN MAY 1975 DEMONSTRATIVE ATTEMPT TO PRAY ON MOUNT. IN MAKING RULING SHE STATED EVERY JEW HAD RIGHT TO PRAY ON TEMPLE MOUNT AND EXPRESSED ASTONISHMENT AT POLICE REGULATIONS PROHIBITING SUCH PRAYERS.

2. DISTRICT ATTORNEY PRESENTED PART OF STATE'S ARGUMENT BUT UNABLE FINISH DURING FIRST DAY. NO DATE SET FOR NEXT SESSION BUT MEDIA INDICATE CASE PROBABLY WILL NOT BE COMPLETED UNTIL AFTER PASSOVER HOLIDAYS, APRIL 15-21. DEFENSE REQUEST FOR POSTPONEMENT OF HEARING UNTIL CALMER PUBLIC ATMOSPHERE

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PREVAILED WAS DENIED.

3. DISTRICT ATTORNEY ARGUED THAT JUDGE OR HAD IMPROPERLY IGNORED 1970 SUPREME COURT DECISION CLEARLY GIVING POLICY RIGHT TO PREVENT JEWISH WORSHIP ON TEMPLE MOUNT IF THEY BELIEVED IT WOULD CONSTITUTE DISTURBANCE OF PEACE. ACCORDING TO PRESS AND RADIO REPORTS HE CONTENDED THAT BETAR GROUP NOT SIMPLE INTERESTED IN PRAYING ON MOUNT BUT INTENDED CARRY OUT DEMONSTRATION. THEY HAD DANCED AND SUNG NATIONALISTIC SONGS, HE NOTED, HAD MADE PRIOR PLANS TO COPE WITH LIKELIHOOD OF POLICE REACTION, AND HAD COVERED BETAR UNIFORMS UNDER REGULAR ATTIRE UNTIL ON MOUNT.

4. APPEAL IS BEING HEARD BY THREE-JUDGE PANEL, CONSISTING OF TWO JEWISH JUDGES (ONE OF WHOM ORTHODOX) AND ONE MUSLIM. LATTER REPORTEDLY WAS SUBSTITUTED AT LAST MINUTE FOR JEWISH JUDGE ORIGINALLY SCHEDULED TO SIT.  
NEWLIN

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
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**Concepts:** YOUTH, PUBLIC DEMONSTRATIONS, COURT DECISIONS, ARRESTS, PLACES OF WORSHIP  
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**Review Authority:** oatisao  
**Review Comment:** n/a  
**Review Content Flags:**  
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**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <03 JUN 2004 by SilvaL0>; APPROVED <24 SEP 2004 by oatisao>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
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**TAGS:** PBOR, PINS, SCUL, IS, JO  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006